UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
	)	
v.	)	**CASE NO. 3:10-CR-25-PLR**
	)	
TOMMY WINTON	)	

MEMORANDUM AND ORDER

This matter is before the court on the defendant's motion for sentence reduction pursuant to Amendment 782 to the United States Sentencing Guidelines [R. 105]. The government has responded deferring to the court's discretion whether and to what extent to reduce defendant's sentence [R. 107]. The United States Probation Office has provided the court with a memorandum regarding retroactivity of Amendment 782. The defendant is presently scheduled for release on May 25, 2024.

The defendant was convicted of conspiracy to distribute 50 grams or more of cocaine base, in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841841(b)(1)(A). At sentencing, defendant's base offense level was 29, with a criminal history category II, resulting in an advisory guideline range of 97 - 121 months, restricted by the 240-month enhanced statutory minimum. Prior to sentencing, the government filed a motion for substantial assistance and defendant was sentenced on November 20, 2012, to 180 months imprisonment (25% reduction).

Amendment 782 reduces the guideline range applicable to defendant. Pursuant to Amendment 782, defendant's base offense level is 27, with a criminal history category II, resulting in an amended guideline range of 78 – 97 months. Giving defendant a comparable adjustment, and taking into account the policy statements set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), it is hereby ORDERED that the defendant's motion [R. 105] is GRANTED, and the defendant's sentence is **reduced to 58 months**.

If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence. *See* USSG § 1B1.10(b)(2)(C).

Except as provided above, all provisions of the judgment dated November 30, 2012, shall remain in effect.

IT IS SO ORDERED.

Enter:

UNITED STATES DISTRICT JUDGE

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